

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.57604

Frederick G. Schiesser
Elsie May Schiesser

405 Mace Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 410, 1B01. 1D; Baltimore County Code (BCC) section 32-3-102, 500.9, (BCZR) ZCPM, 13-7-115, 310, 312, failure to clean junk, boxes, debris from rear of property, failure to remove class II storage container on residential property zoned BR/BL known as 405 Mace Avenue, 21221.

On May 5, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,000.00 (four thousand dollars)

The following persons appeared for the Hearing and testified: the Respondent, Frederick Schiesser and, Chip Raynor, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued April 16, 2009 requesting removal of open dump/junkyard; removal of truck trailer; removal of trash and debris from rear fenced-in area. A Correction Notice had previously been issued on March 24, 2009 making the same requests. This Citation was issued on March 5, 2009.

B. Photographs in the file show bagged garbage on the ground and discarded boxes and other debris on the ground. Photographs also show areas overgrown with weeds and vines. This violates prohibitions against accumulation of trash and debris, and creation of possible harborage for rats. Photographs also show that several residences adjoin and overlook Respondent's commercial property.

C. Respondent Schiesser testified that this area is enclosed behind a fence. He further testified that what appears to be a truck trailer is a box truck that he uses for storage of roofing materials. The truck is not tagged.

D. Respondent must clean up this commercial property to bring it into compliance with county code requirements. All trash and garbage must be properly stored in covered, approved receptacles at all times. The presence of a four-foot fence does not affect Respondent's obligation to maintain the property and meet code requirements.

E. The portion of this Citation specifying a zoning violation due to improper storage of a truck trailer will not be enforced, because what appeared to be a trailer is actually an untagged vehicle. However, Respondent is now on notice that the untagged vehicle is subject to Citation if it is not properly tagged or removed from the property. Respondent is also now on notice that weeds and vines must be removed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if Respondent corrects the violations by cleaning up the rear yard and removing or properly storing all trash and garbage at this property by July 1, 2009. If the Respondent fails to correct the violations, the civil penalty shall be imposed and may be placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.